

Q&As RELATING TO WILDERNESS PLANNING
UNDER CHAPTER 70 OF 2015 PLANNING RULE DIRECTIVES



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CONTACTS:

Susan Spear, Director, Wilderness and Wild & Scenic Rivers, 202-644-4862

Ann Acheson, Director, Ecosystem Management Coordination, 202-205-1275

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A. DEFINITIONS

Q: At the Inventory stage, what is the definition of “not substantially noticeable” as used in FSH 1909.12, Chap. 70, Sec. 71.22, and 71.22b?

A: The term “not substantially noticeable” is not specifically defined in the directives. For purposes of conducting an Inventory of lands under Chapter 70, Secs. 71.22 and 71.22b, the determination of “not substantially noticeable” is within the discretion and judgment of the Responsible Official. At the inventory stage, it is important to keep in mind that the “primary function of the inventory step is to efficiently, effectively, and transparently identify all lands in the plan area that may have wilderness characteristics as defined in the Wilderness Act.” FSH 1909.12, Chap. 70, Sec. 71.

Plan documentation should include a clear explanation of the factors considered in the determinations of “not substantially noticeable.” The primary factors to consider in making this determination would likely include visual elements based on scenery management principles (i.e. how much change from the line, form, shape, color, etc. as compared to the natural or natural-appearing landscape character). With regard to improvements in FSH 1909.12, Chap. 70, Sec. 71.22, the Responsible Official should assess the extent to which improvements reveal the imprint of human influence on the land. In addition, for National Forest System lands east of the 100th meridian, the Responsible Official should consider the potential to provide for active or passive restoration of wilderness character in previously modified areas consistent with the intent of the Eastern Wilderness Act. FSH 1909.12, Chap. 70, Sec. 71.22b.

Q: At the Evaluation stage, what is the definition of “substantially unnoticeable” as used in FSH 1909.12, Chap. 70, Sec. 72.1?

A: For purposes of conducting an Evaluation under Chap. 70, Sec. 72.1, the considerations for “substantially unnoticeable” are somewhat narrower. “The primary function of the evaluation step is to evaluate...the wilderness characteristics of the lands included in the inventory.” FSH 1909.12, Chap. 70, Sec. 72. This stage requires the Interdisciplinary Team to evaluate, for each area identified in the inventory, “the degree to which the area generally appears to be affected primarily by the forces of nature, with the imprints of man’s work substantially unnoticeable (apparent naturalness).” Sec. 72.1(1). At the evaluation stage, the Interdisciplinary Team should be guided by the definition of wilderness and the overall evaluation of the degree to which, as a whole, the evidence of man’s influence in the past has detracted from the apparent naturalness of the area such that it may preclude a recommendation for inclusion in the NWPS. The end result of the evaluation is intended to be a qualitative evaluation of the area’s wilderness characteristics. The evaluation is one piece of information that will inform the determination as to what areas will be analyzed in alternatives in the NEPA analysis for the land management plan. The evaluation stage is not intended to result in a final decision regarding an area’s suitability for wilderness.

It is important to note that criteria for areas to be included in the Inventory ("not substantially noticeable"), is different than the criteria for lands being evaluated ("substantially unnoticeable"). Therefore, the Interdisciplinary Team's evaluation will necessarily be somewhat stricter than at the inventory stage. *Compare 71.22(b) (inventory stage) with 72.1(1)(a-c) (evaluation stage).*

The primary factors to consider in making the "substantially unnoticeable" evaluation will likely be visual elements based on scenery management principles. However, just because the evaluation of "not substantially noticeable" improvements did not lead to the exclusion of an area from the inventory, that does not mean that the same improvements would necessarily be "substantially unnoticeable" at the Evaluation stage. The ultimate question at the Inventory stage is "does it appear that this area may have wilderness characteristics such that further evaluation is warranted?" At the Evaluation stage, the ultimate question is "does it appear that this area may meet the wilderness character criteria sufficiently to be included in an alternative to be analyzed in detail for recommendation for inclusion in the NWPS?" Those ultimate questions should guide the exercise of your discretion and judgment with regard to a determination of "not substantially noticeable" and "substantially unnoticeable" at the successive stages of the wilderness evaluation process.

In making this evaluation, the Interdisciplinary Team must, at a minimum, consider the criteria in Section 72.1(1). Other criteria may also be considered within the discretion of the Responsible Official. In carrying out the evaluation, visibility to users will likely be a big part of the analysis. It is also important to keep in mind that the idea of substantially unnoticeable should be analyzed with an eye toward an average user. With enough specialized knowledge anyone could identify imprints of human influence on the landscape. That does not make all of the effects of past human activity substantially noticeable. For example, the mere presence of invasive species that were introduced by humans either intentionally or unintentionally may still be substantially unnoticeable for purposes of your evaluation. An invasive mollusk, while its presence is a result of human manipulation, may not be substantially noticeable if it is a small species that is not likely to be seen or encountered without actively looking for it, and if it may not be easily distinguishable from native mollusks in the area. Similarly, an area that has experienced past timber harvest may also satisfy the substantially unnoticeable evaluation as a result of significant regrowth in the stand and restoration of the associated roads so that the area appears natural.

The evaluation of substantially unnoticeable is not necessarily reducible to an objective set of criteria that can be applied uniformly, but is a subjective determination left to the Responsible Official's discretion and broad judgment. The conclusion may change and even be different within different habitat types within an area. For example, in an area near or above the tree line, even a relatively small structure may be visible from long distances, and therefore may not be "substantially unnoticeable." On the other hand, a much larger structure that is in a dense forest area, may not be considered substantially noticeable, as it is not visible except when a user is very near the structure itself.

As with any exercise of discretion and judgment, it is critical that the Interdisciplinary Team and the Responsible Official: 1) clearly document and explain the rationale for the ultimate conclusion (the IRAC method (see FSH 1909.12, Chap. 20, Sec. 21.42) is a very clear and easily understood means of documenting the rationale and conclusion); 2) explain why certain criteria weighed for or against a conclusion that something was substantially unnoticeable, and why areas were considered but not selected for inclusion in the analysis; 3) clearly respond to public comments that question the process and the criteria selected by the official, and explain the rationale for the process used; and 4) ensure that the administrative record contains the documentary evidence that explains the process and the ultimate evaluation.

Q: Can a region establish a general framework to define “substantially unnoticeable” or develop common criteria that units should consider as they undertake the analysis?

A: Yes. See FSM 1921.04a; FSM 1921.11. Regions may help to establish common criteria or best practices to guide the units in making the “not substantially noticeable” or “substantially unnoticeable” determination. It is important to remember, however, that the determination will be largely area-specific, and subjective, depending on the particular attributes of a given area; the attributes of the particular structure or component being evaluated; and using the best judgment of the Responsible Official. As a result, it may not lend itself to a particular objective set of criteria that can be replicated consistently across units. Accordingly, it is very important for the Responsible Official to fully document and explain the rationale for the determination. If the region creates a set of criteria or best practices, and the Responsible Official determines that one of the criteria or practices should not apply, care must be taken to fully explain why a particular criteria or practice developed by the region was not followed or did not apply to a given area.

Q: What is the definition for “same land area” referred to in FSH 1909.12, Sec. 24.2? Is it only the geographic area identified in the land management plan or can “the same land area” also apply to multiple designated areas (existing or recommended) that overlap between adjacent units?

A: The “same land area” as used in FSH 1909.12, Chap. 20, Sec. 24.2 refers to overlapping designated areas within the National Forest System land that must be identified in the land management plan. If multiple designated areas overlap between adjacent administrative units, then the forest supervisor for each respective unit, in consultation with the adjacent unit supervisor (FSH 1909.12, Chap. 20, Sec 24.2 (1)(e)) will set forth plan components for the designated areas within that unit’s land management plan. In some situations, this may be done by careful reference to the adjacent unit’s plan.

B. PLANNING AND MANAGEMENT ISSUES

1. GENERAL PLANNING PROCESS

Q: Some groups have expressed concerns that the use of detailed proposed actions for land management plan revisions constitutes improper pre-determination and could result in undue delays in formally beginning the NEPA process. How should we approach our scoping process to address these concerns?

A: The Forest Supervisor has the discretion to decide when there is enough detail to start the scoping process for a proposal. See FSH 1909.12, Ch. 20, Sec. 21.14 (discussing approaches to coordinating the NEPA analysis process with steps in the planning process). It is acceptable for a Forest Supervisor to develop a detailed proposed action (including identification of areas that will be analyzed in the alternatives for recommendation as wilderness) before starting scoping with a notice of intent, but the Interdisciplinary Team must provide opportunities for public participation in the development of the proposed action. In the case of a proposed action developed before scoping, it is important to explain to the public that no decision on a particular course of action has been reached, and that input received during the NEPA scoping process will help inform the further development of the proposed action and the alternatives that are analyzed (including wilderness areas that are analyzed for recommendation) during the NEPA process.

2. INVENTORY

Q: What is required for public participation during the inventory?

A: The planning directives require that opportunities for public participation be provided at each of the 4 stages of the wilderness process. The purpose is to “increase transparency and enable feedback and input.” FSH 1909.12, Chap. 70, Sec. 70.61.

Participation in the Wilderness Process

Early and during each step of the process identified in this chapter, the Responsible Official:

1. Shall provide opportunities for public participation and collaboration, intergovernmental coordination with State and local governments, and Tribal consultation, as required by the broader planning process (36 CFR 219.4 and FSH 1909.12, ch. 40). Through such opportunities, engage the public and other governments early and throughout the process to provide feedback and input on the inventory, evaluation, analysis, and recommendation steps identified in this chapter.
2. May provide additional participation opportunities specifically on this topic as necessary.

3. Maps, analysis, and other documentation developed through each step of the process must be made available timely to the public to increase transparency and enable feedback and input. (70.61)

As noted above, the Interdisciplinary Team must "...engage the public and other governments early and throughout the process to provide feedback and input on the inventory...." The planning directives identify specific criteria for categories of land to be included in the inventory and require that opportunities for public participation be provided so that other lands that may be suitable for inclusion in the inventory may be identified. Maps, analysis and other documentation used by the Interdisciplinary Team to develop an initial inventory must be made available to the public to enable feedback and input. There is no prescribed approach to how an Interdisciplinary Team provides opportunities for public participation, rather, the team must determine the mechanisms that work best for a particular forest.

After considering public feedback on an initial inventory, the Interdisciplinary Team must ensure public availability of the inventory report and maps as part of a transparent planning process.

The Responsible Official shall ensure the Interdisciplinary Team documents the inventory in a report and creates a map of the lands included in the inventory. Both the inventory report and map must be available to the public and included in the applicable NEPA document. FSH 1909.12, Chap. 70, Sec. 71.

Q: What is the process to follow if a unit already started its land management plan revision process, before release of new 2015 planning directives, and the public is now recommending additional areas to include and evaluate? Do these new areas go through the same process/criteria that were initially used for areas in the initial inventory? Or do the new areas now go through the criteria/inventory and evaluation process in the new planning directives?

A: The Forest Service Manual provides as follows:

If a plan amendment or revision has been initiated prior to the issuance of the amended directive, the Responsible Official should use the amended directive for any new step or phase of the planning process, but is not required to revise past steps or phases within the process: for example, a completed assessment would not need to be revised to comply with the amended directives. For a phase or step that is ongoing at the time of issuance of the amended directive, the Responsible Official should incorporate the amended directive to the extent practicable, but may choose to complete that phase or step as planned to avoid significant disruptions to ongoing public engagement and planning schedules: for example, it may be practicable to incorporate more elements of the amended directive into development of an

assessment that is 20 percent complete, while an assessment that is 90 percent complete may simply incorporate the guidance in the amended directive on how to document the assessment report. As another example, if a unit is in the process of developing a draft plan and has identified segments of rivers to study for eligibility for Wild and Scenic River designation, the Responsible Official would not be required to re-inventory segments based on the amended directives. FSM 1920.3(b).

Accordingly, the Responsible Official is not required to go back and re-inventory based on the amended directives, but has the discretion to do so. New steps and phases would, however, need to comply with the amended directives. If the Responsible Official chooses to go back and inventory the lands recommended by the public, the new inventory should comply with the new directives. It is important to document the circumstance and the rationale for staging compliance with the amended directive.

Q: How does the initial forest-wide assessment feed into the inventory and evaluation process for recommended wilderness?

A: The initial assessment is intended to help inform the potential need and opportunity for additional designated areas, and how designated areas contribute to social, economic, and ecological sustainability. FSM 1909.12, Chap. 10, Sec. 14. The information from the assessment of existing designated areas and the needs and opportunities for additional designated areas will inform the inventory and evaluation process with information relating to the need for additional areas, the quality and characteristics of existing areas. FSM 1909.12, Chap. 10, Sec. 14. The Interdisciplinary Team should start the inventory process by considering relevant existing information obtained during the assessment phase. FSH 1909.12, Chap. 70, Sec. 71.1. The inventories may begin before, during, or after the assessment using existing information to the extent possible, and must provide opportunities for public and intergovernmental participation. FSM 1909.12, Chap. 10, Sec. 14. However, the inventories may only become final and evaluation of the inventories areas may only begin after the assessment is complete. FSM 1909.12, Chap. 10, Sec. 14. The inventories and evaluation are not completed until the final environmental impact statement is completed.

Q: When considering areas less than 5,000 acres for the wilderness inventory, how do I determine whether an area is of "sufficient size as to make practicable its preservation and use in an unimpaired condition?"

A: Areas that contain less than 5,000 acres but are contiguous to an existing wilderness, primitive area, administratively recommended wilderness or wilderness inventory of another agency meet the size criteria for inclusion in the inventory. FSH 1909.12, Chap. 70, Sec. 71.21(2).

With regard to other areas less than 5,000 acres, the Responsible Official has the discretion to also determine that they meet the size criteria if an area is of “sufficient size as to make practicable its preservation and use in an unimpaired condition.” When determining whether these areas meet the size criteria, it may be useful to consider such factors as the level of connectivity between these areas and adjacent lands, as well as the existing or proposed uses and activities on adjacent lands. For example, if the area is smaller than 5,000 acres, but configured in such a way that noise from surrounding highways would be pervasive, then it would not likely be practicable to be preserved and used in an unimpaired condition. The most common examples of areas that are less than 5,000 acres but might be sufficient to make preservation and use practicable are areas that can be preserved due to physical terrain and natural conditions or areas that are self-contained ecosystems, such as an island, that can be effectively managed as a separate unit of the NWPS. Another example would be areas that are located adjacent to designated wilderness areas. As with any exercise of discretion, it is important to clearly identify and document the specific reasons why the preservation and use of the area in an unimpaired condition is or is not practicable.

Q: Should all inventoried roadless areas be included in the inventory?

A: The primary function of the inventory step is to identify all lands in the plan area that may have wilderness characteristics as defined in the Wilderness Act. FSH 1909.12, Chap. 70, Sec. 71. The inventory is intended to be reasonably broad and inclusive, and to provide a basis for public input and feedback. FSH 1909.12, Chap. 70, Sec. 71. As described in Section 71.1, “[t]he Interdisciplinary Team should start the inventory process by considering existing, relevant information identified during the assessment phase (FSH 1909.12, Chap. 10), including information about designated areas (such as inventoried roadless areas).... Building on this information and any additional public input (Sec. 70.61 of this Handbook), the Interdisciplinary Team should apply the criteria and steps identified in section 71.2 of this Handbook to create the inventory.” Inventoried roadless areas should be considered but still must meet the inventory criteria before being added to the inventory.

It is also relevant to note that 71.22b provides for inclusion in the inventory of “Areas with improvements that have been proposed by the Forest Service for consideration as recommended wilderness as a result of a previous Forest planning process, or that the Responsible Official merits for inclusion in the inventory that were proposed for consideration through public or intergovernmental participation opportunities (Sec. 70.61 of this Handbook).”

Q: Can areas be added to the inventory and evaluated at any time during the plan revision process?

A: Yes. It is important to remember, however, that each of the four steps (inventory, evaluation, analysis, and recommendation) requires public participation, and that all plan revisions or new plans must complete this process before the Responsible Official

determines, in the plan decision document, whether to recommend lands within the plan to Congress for wilderness designation. See FSH 1909.12, Chap. 70, Sec. 70.6. Although areas can be added at any time, if areas are identified very late in the process, the planning schedule may be affected. The Interdisciplinary Team should note the impact on the schedule with internal and external stakeholders.

Q: *How do we address management of areas that are inventoried, but ultimately not recommended for wilderness? Some stakeholders have argued that these areas are equivalent to "potential wilderness areas" under 36 C.F.R. § 220.5 (a)(2) and therefore activities such as timber harvest or other management activities incompatible with future wilderness designation should not be permitted. This conflicts with FSH 1909.12, Chap. 70, Sec. 71, which states that "inclusion in the inventory is not a designation that conveys or requires a particular kind of management."*

A: Placing lands in the inventory of lands that may be suitable for wilderness is not equivalent to potential wilderness areas under 36 C.F.R. § 220.5(a)(2). Management direction for areas that are inventoried, but ultimately not recommended for inclusion in the NWPS is left to the discretion of the Responsible Official. "Inclusion in the inventory is not a designation that conveys or requires a particular kind of management." FSH 1909.12, Chap. 70, Sec. 71. Given the potential for controversy, however, it will be important to explain and document the rationale for the decision.

It is important to note that 36 C.F.R. § 220.5 is part of the NEPA regulations discussing the need to conduct an EIS for certain types of "proposals that would substantially alter the undeveloped character of an inventoried roadless area or potential wilderness area." That regulation does not address whether any particular management activities should be allowed in those areas. The term "potential wilderness area" is not defined in the Wilderness Act, Forest Service regulations, Agency Directives or in the planning rule. As a result, 36 C.F.R. § 220.5 does not mandate any particular type of management included in the inventory under the 2012 planning rule.

The term "potential wilderness areas" was defined by WO AMENDMENT 1909.12-2007-1 effective January 31, 2007 and subsequently used in NEPA regulations at 36 C.F.R. § 220.5 and 220.6 for consistency. The intent was to have an option to use a "more contemporary inventory" as a result of land management planning than a "previously conducted roadless area inventory." That planning directive has been superseded by WO AMENDMENT 1909.12-2015-1 effective January 30, 2015 and no longer uses the term "potential wilderness areas." Therefore, current directives do not define "potential wilderness area" and there is no longer such an inventory. The Forest Service is aware of the potential for confusion, however, and is evaluating options to clarify any potential misunderstanding.

3. EVALUATION

Q: *What is required for public participation at the evaluation stage?*

A: “The Responsible Official should provide opportunities for public and governmental participation when evaluating lands identified in the inventory (sec. 70.61 of this Handbook). The Responsible Official should communicate the evaluation process to the public, and shall be able to clearly and efficiently describe and document the wilderness character associated with each area at the end of the evaluation step.” FSH 1909.12, Chap. 70, Sec. 72.

Further, the directives state that “[t]he Responsible Official shall ensure that the Interdisciplinary Team documents the evaluation and include this documentation, along with map(s) required by section 71.4 of this Handbook, in an appendix to the applicable NEPA document. The intent is to ensure that the process for inventory and evaluation is transparent and accessible to the public for input and feedback. This documentation will also be available for participation opportunities during the plan revision or development process.” FSH 1909.12, Chap. 70, Sec. 72.2.

The Interdisciplinary Team should communicate its approach to the evaluation to the public early in the process. There is no prescribed way to provide opportunities for the public to participate in the evaluation process, so the Interdisciplinary Team has flexibility to design an approach that is most efficient and effective for a particular forest. One approach may be to provide the public with a description of the evaluation criteria that will be used, and apply them to one area as a demonstration of how the evaluation will work. This provides an opportunity to identify any systemic issues with the evaluation process and criteria before they are applied across all the areas. It may also be helpful, although not required, to provide a draft of the full evaluation before it is finalized to give the public an opportunity for input.

At the conclusion of the evaluation phase, the Interdisciplinary Team must share with the public documentation that indicates the wilderness character associated with each area that has been evaluated. This documentation of wilderness character must be available during the planning process prior to the development of alternatives and publication of the DEIS. The public must have an opportunity to provide feedback on the areas to be included in plan alternatives that will be evaluated in the DEIS. The directives provide that “based on the evaluation and input from public participation opportunities” the Responsible Official shall identify which specific areas to carry forward for analysis in one or more alternatives. FSH 1909.12, Chap. 70, Sec. 73. It may also be helpful to engage the public during alternative development. This can help to identify areas that should be included or excluded from alternatives based on feedback from the public before the analysis is complete. While the evaluation must be documented in the appendix of the applicable NEPA document, the results of the evaluation should be shared with the public earlier and opportunities to provide feedback provided.

Q: *When does suitability analysis fit into the process? Is it part of the evaluation process, or is it a separate decision that can be made later after the land management plan is completed and a decision issued?*

A: The evaluation stage must include all lands identified in the inventory, and the Interdisciplinary Team “shall evaluate areas...to determine the potential suitability for inclusion in the National Wilderness Preservation System.” FSH 1909.12, Chap. 70, Sec. 72, 72.1. There is not a separate suitability analysis or determination of the suitability of areas for wilderness that is part of the wilderness planning process. While the evaluation is designed to inform the ultimate decision as to whether a particular area will be recommended for inclusion in the NWPS, that recommendation is not made until the analysis is complete and the Responsible Official decides which areas to recommend for inclusion in the NWPS. The Responsible Official’s recommendation for inclusion in the NWPS is what triggers management direction for management as a recommended wilderness. For all other areas that were inventoried and evaluated, but not actually recommended for inclusion in the NWPS, no specific management direction is required, except for any inventoried roadless areas which will still be subject to the requirements in 36 C.F.R. § 294.

Q: *In conducting an evaluation of “apparent naturalness,” the directives provide the following example for determining “if plant and animal communities appear substantially unnatural”: “past management activities have created a plantation style forest with trees of a uniform species, age, and planted in rows.” FSH 1909.12, Chap. 70, Sec. 72.1(1)(a). What are some other examples of relevant considerations for this evaluation factor?*

A: The determination of whether plant and animal communities in an area “appear substantially unnatural” is a professional judgement within the discretion of the Responsible Official, as informed by the Interdisciplinary Team and public input. One possible interpretation of “apparent naturalness” could be based on whether the area “looks natural” to a reasonable person. Using the example provided, a plantation style forest would likely not look natural to a reasonable person and therefore is a relevant factor to consider when evaluating whether the plant and animal communities in an area appear substantially unnatural. Another example might be the presence of invasive non-native species in an area that are so extensive that it dominates the landscape in a readily apparent manner. Other relevant examples may exist and are best identified at the local level. In all instances, such considerations should be well documented.

Q: *In conducting an evaluation of “apparent naturalness,” should stand composition that is significantly different from historic conditions be taken into consideration?*

A: Possibly. If the current stand composition reflects the effects of past management activities (i.e. fire suppression, timber harvest, or other activities), those effects may be taken into account in your evaluation. The ultimate questions are within the Responsible

Official's judgment. Does it appear that the imprints of human management intervention are substantially unnoticeable? Or, has past management left the area with clear indications that the area has been subject to human intervention in the past? See FSH 1909.12, Chap. 70, Sec. 72.1. For example, if fire suppression has not altered the species composition, but has left the stands more dense than they would otherwise have been, that might not weigh as heavily against apparent naturalness, since it may not be as noticeable. On the other hand, if past fire suppression has allowed displacement of fire-dependent species with less fire tolerant species, that change might weigh more heavily against the apparent naturalness of that area because the effects of past human management are more noticeable. It is important to remember, however, that it is difficult in most cases to tie a particular change in stand composition to actual human intervention as opposed to natural variability and change over time. If there is insufficient information to tie particular changes in stand composition to human intervention, it might not weigh as heavily against your evaluation of the apparent naturalness of the area.

Q: What level of evaluation and analysis is needed in the forest planning process to determine whether allowing existing motorized use/mechanized transport to continue does or does not reduce the wilderness potential for an area?

A: For those areas that are inventoried, evaluated, and analyzed, and are then recommended for inclusion in the NWPS, the land management plan must include plan components for recommended wilderness areas, such as continuing, altering, or eliminating existing uses. FSH 1909.12, Chap. 70, Sec. 74.1. All plan components must protect and maintain the social and ecological characteristics that provide the basis for wilderness recommendation. The land management plan should contain sufficient analysis and explanation to make clear the rationale for allowing continued motorized use or mechanized transport in a recommended area. This analysis should be completed before the decision by the Responsible Official, as the plan must identify the specific components for recommended wilderness areas. The identification of plan components cannot be delayed to site specific planning at a later date. The plan must have plan components including standards and guidelines so that any existing uses do not degrade the social and ecological characteristics that provide the basis for wilderness designation. Subsequent decisions such as closure orders, grazing allotment management plans, travel management plans, trail relocations, etc. may implement the plan components identified in the land management plan.

For areas that are inventoried and evaluated, but ultimately not recommended for inclusion in the NWPS, there is no requirement of any particular management recommendation. Plan components relating to areas that are inventoried and evaluated, but not recommended, do not require any particular level of analysis regarding whether motorized or mechanized uses reduce the wilderness potential for an area. FSH 1909.12, Chap. 70, Sec. 71. However, as described in Section 74, "the decision document must briefly identify or describe what management direction is provided in the plan for those lands."

4. ANALYSIS

Q: *How should we comply with Chapter 70 requirements to document reasons why particular areas that were evaluated for wilderness were not included in one or more plan alternatives for wilderness recommendation in the EIS?*

A: While it is within the Responsible Official's discretion to choose not to include an area in a plan alternative for analysis, it is important to document the rationale for that decision. FSH 1909.12, Chap. 70, Sec. 73. It is also important to generate a range of alternatives. After you have completed your evaluation, there are three requirements for documentation:

1) Why an area is not being considered in an alternative:

For each evaluated area or portions thereof that are not included in an alternative in the applicable NEPA analysis, the Responsible Official shall document the reason for excluding it from further analysis. FSH 1909.12, Chap. 70, Sec. 73.

Any number of issues may weigh against inclusion of an area in the alternatives. This decision should be informed by the information from the evaluation of wilderness characteristics, the design of alternatives (i.e. a "high wilderness" alternative may include areas that had a lower evaluation of wilderness characteristics), and information from the public during the public engagement process.

The rationale for excluding areas from further analysis must be clearly explained in the administrative record, and must be supported by the administrative record for the plan. The IRAC method (see FSH 1909.12, Chap. 20, Sec. 21.42) is a very clear and easily understood means of documenting the rationale and conclusion. The rationale and supporting documents should be included as part of a "Wilderness Appendix" to the applicable NEPA documents (i.e. the DEIS or FEIS). FSH 1909.12, Chap. 70, Sec. 70.6.

2) The decision document must identify how all areas in the inventory are being managed under the plan:

For lands in the inventory and evaluation that were not recommended for inclusion in the National Wilderness Protection System or as a Wilderness Study Area, the decision document must briefly identify or describe what management direction is provided in the plan for those lands. Once a final decision has been made and

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documented, the Responsible Official, through the Regional Forester, shall notify the Chief of preliminary administrative recommendations for wilderness designation following the direction in FSM 1923.11. FSH 1909.12, Chap. 70, Sec. 74.

This can be done with a table that shows the management areas within each inventoried area.

3) The decision document must identify any recommendations for designated areas and describe the rationale for the recommendation:

The Responsible Official shall identify any recommendations for additional designated areas and the rationale for the recommendations in the plan decision document. FSH 1909.12, Chap. 20, Sec. 24.1.

This would occur if all or part of an inventoried area was recommended as a designated area as described in Chapter 20, Section 24.

Q: How should we address an alternative based on comments? Can we make changes to an alternative based on comments? Is responding to issues sufficient rationale to explain why we put specific areas into wilderness?

A: It is important to respond fully to public comments, and/or point to information in the decision document that addresses the comments. It is possible to make changes to an alternative based on public comments. For example, it is possible to remove an area from recommendation or to recommend an area for wilderness designation that had previously not been recommended, provided that you had previously conducted the inventory, evaluation, and analysis for that area. An area that had not previously been inventoried, evaluated, and analyzed, however, cannot be recommended without completing the inventory, evaluation, and analysis steps. If changes are made in response to public comment, it is important to remember that the scope of the changes may trigger a requirement to allow for additional public comment on the revised alternative.

In addition, when making changes to an alternative based on public comments, it is critical to clearly and fully explain the rationale for the changes. While it is possible to provide the rationale in the response to comments, it is important to make sure that the other areas of the decision document are consistent with and support the change. It is also important to ensure that you can point to information in the administrative record that explains the rationale for any changes that are made in response to comments.

Q: If our plan alternatives include areas recommended for wilderness that were not included in our evaluation, then how should we analyze those areas?

A: The areas included in alternatives must be evaluated according to FSH 1909.12, Chapter 70, Section 72 before being included in any alternative. A plan **should not include** in alternatives any areas recommended for wilderness that were not inventoried and evaluated. See FSH 1909.12, Chap. 70, Sec. 70.6. The Responsible Official does have the

discretion to modify and add new areas (FSH 1909.12, Chap. 70, Sec. 71.22b (12)) to the inventory, but each of the four steps (inventory, evaluation, analysis, and recommendation) requires public participation, and this process must be completed before the Responsible Official determines, in the plan decision document, whether to recommend lands within the plan to Congress for wilderness designation. See FSH 1909.12, Chap. 70, Sec. 70.6.

5. RECOMMENDED WILDERNESS

Q: How should we address activities, including motorized use or mechanical transport, in recommended wilderness areas, and whether to include standards prohibiting certain activities?

A: Subject to valid existing rights, the Responsible Official has discretion regarding existing uses permitted within recommended wilderness. Existing uses may continue only if such uses do not prevent the protection and maintenance of the social and ecological characteristics that provide the basis for wilderness designation. FSH 1909.12, Chap. 70, Sec. 74.1. The land management plan must include plan components, including standards or guidelines, for the protection of congressionally designated wilderness as well as areas recommended for wilderness. These may include the following:

- Desired conditions that describe the desired wilderness character from an ecological or social perspective
- Standards or guidelines appropriate for placing limits or conditions on projects or activities that may adversely affect wilderness character
- The contributions of wilderness as part of the plan area's distinctive role and contribution (See FSH 1909.12, Chap. 20, Sec. 24.41)

It is important to recognize that existing uses have both a qualitative and quantitative aspect. As a result, an existing use at current use levels may not prevent the protection and maintenance of wilderness characteristics, but if that continuing use grows over time, it could reach a level at which it prevents the protection and maintenance of wilderness characteristics. If continuing uses are permitted in recommended wilderness, it is important that the decision document affirm that the plan includes plan components that protect and maintain the ecological and social characteristics that provide the basis for the area's suitability for wilderness designation. FSH 1909.12, Chap. 70, Sec. 74. In addition, the forest supervisor may consider monitoring such uses to ensure that the levels of use do not prevent the protection and maintenance of wilderness characteristics as the plan is implemented. If monitoring shows that use reaches levels that do prevent the protection and maintenance of wilderness characteristics, then a closure order may be necessary to alter or eliminate the use. See FSH 1909.12, Chap. 20, Sec. 24.41 (the plan may include plan components, including standards or guidelines appropriate for placing limits or conditions on projects or activities that may adversely affect wilderness character). It is important to remember that during the biennial evaluation, the Responsible Official evaluates the

answers to monitoring questions and determines if any change to management or the plan is warranted. See FSH 1909.12, Chap. 30, Sec. 34.

Where a recommended wilderness area occurs on adjacent land management units, the Responsible Official should also consider the cumulative effects on social and ecological characteristics if existing uses are allowed. In some situations, there may be good rationale to allow existing uses to continue, while these uses are not allowed in the same recommended wilderness area that occurs on an adjacent forest. Accordingly, it is very important for the Responsible Official to fully document and explain the rationale for the determination.

New uses that are perceived to be incompatible with recommended wilderness should not be authorized. For example, recommended wilderness areas are not suitable for timber production because it is not compatible with the desired condition for those areas. FSH 1909.12, Chap. 60, Sec. 61.2. Other new uses that are not compatible with recommended wilderness should not be permitted. If a public use is perceived to be incompatible with recommended wilderness, the Responsible Official may propose a closure, analyze the effects of the proposal, and issue a project decision to issue an order prohibiting the use.

Q: When existing motorized or mechanized uses are allowed to continue in recommended wilderness areas, what are the relevant considerations needed for standards and guidelines to ensure that wilderness potential of an area is not reduced?

A: The Responsible Official should strive to maintain consistency with the provisions of 16 U.S.C. § 1133(d) and FSM 1923.03 when developing plan components for the management of recommended wilderness areas. FSH 1909.12, Chap. 70, Sec. 74.1. Any area that is recommended for wilderness or wilderness study designation is not available for any uses that may reduce the wilderness potential of an area. FSM 1923.03. If expansion of existing uses might reduce the wilderness potential, the responsible official may consider monitoring questions and indicators in the plan monitoring program to monitor the social and ecological characteristics that form the basis for wilderness designation. The Interdisciplinary Team should write desired conditions and objectives to set forth the social and ecological characteristics. The objectives could be set to maintain existing uses at or below a certain level of use or set to maintain evidence of use below a certain limit of acceptable change.

The Interdisciplinary Team may develop questions and indicators to determine whether the desired conditions and objectives are being met. If monitoring questions and indicators are developed, the responsible official would conduct biennial evaluations of the information gathered through the plan monitoring program, issue a written report of the evaluation, and make it available to the public.

If an area is being recommended for wilderness, it is clear that the effects of the existing use have not prevented the area from being considered for wilderness thus far. However, the

plan components should ensure that the existing use (either qualitatively or quantitatively) does not prevent the protection and maintenance of social and ecological characteristics that form the basis for wilderness recommendation.

Q: What are the relevant considerations when evaluating existing uses and determining whether or not those uses are preventing the protection and maintenance of the social and ecological characteristics that provide the basis for wilderness designation?

A: The relevant considerations could vary greatly depending on the forest, the use that is being evaluated and the social and ecological characteristics in a given area that provide the basis for wilderness designation. For example, if an area is recommended for wilderness based primarily on its outstanding natural geographical features and the presence of rare species, then the most relevant considerations would be the effects of the particular existing uses on those particular features. If existing mechanical transport uses such as mountain biking are taking place, the Responsible Official should consider the impacts from the use on the particular wilderness characteristics of the area at issue. If existing uses are allowed to continue, the Responsible Official should document and explain the rationale for how the existing uses will not impact the social and ecological characteristics that formed the basis for the wilderness recommendation.

Q: What are the relevant considerations regarding cumulative effects with adjacent forests where a recommended wilderness area is geographically shared across boundaries?

A: The Responsible Official should consider the past, present and reasonably foreseeable future effects from management of the adjacent forest. The responsible official must rely on the existing land management plan and communications with adjacent forest supervisors to identify expected management direction for the adjacent forest, and expected management activities that might have cumulative effects on the recommended wilderness area. In addition, the responsible official should identify and consider the management activities on neighboring areas managed by states, tribes or other federal agencies.

Q: In managing recommended wilderness, how do plan components about motorized use/mechanical transport relate to travel management?

A: Your travel management plan must be consistent with your land management plan:

Other resource plans specifically designed for management of infrastructure, such as travel management plans, must be consistent with the plan components of the land management plan (36 CFR 219.15(e)). The Responsible Official shall review any existing travel management plans to determine if the previous decision is consistent with the plan components of

the newly amended or revised land management plan. If the travel management plan is not consistent with the plan, it must be made consistent with the land management plan (36 CFR 219.15) or the plan decision document must expressly allow the travel management decision to proceed unchanged (sec. 21.41 of this Handbook). FSH 1909.12, Chap. 20, Sec. 23.23I

For example, if during the land management planning process you decide that motorized uses may be suitable in areas that were not previously included in your travel management plan, then either concurrently with the approval of the plan or after plan approval you may conduct additional travel analysis to designate the roads, trails, or areas for motorized uses if you want those areas to be open for motorized travel. It is important to remember that identification of an area as "suitable" for a use in the land management plan does not mean the use must occur in that area, but only that the particular use might be authorized in the future. FSH 1909.12, Chap. 20, Sec. 22.15.

Conversely, if your revised land management plan concludes that certain management areas or geographic areas are not suitable for motorized use, then your travel management plan and Motor Vehicle Use Maps should be revised to reflect that change (including with the additional analysis required by the travel management rule), unless the decision document approving the plan specifically authorized the travel management plan to be carried out without change, notwithstanding the conflict between the two plans. FSH 1909.12, Chap. 20, Sec. 23.23I

Non-motorized mechanized uses are not covered by the travel management regulations. Identifying the suitability or non-suitability of certain areas for non-motorized mechanized uses does not involve travel management.

6. WILDERNESS MANAGEMENT PLANS

Q: How should we tier to Wilderness Management Plans? Our proposed action for our revised land management plan deviates somewhat from our wilderness management plan.

A: Your wilderness management plan should tier to the land management plan. The management plan, wilderness program actions plan, and implementation schedules must be consistent with the land management plan. If the revisions to the land management plan create an inconsistency with the wilderness management plan, then the wilderness management plan must be revised for consistency with the land management plan. FSH 1909.12, Chap. 20, Sec. 24.41. The wilderness management plan, however, does not need to be revised concurrent with the land management planning efforts.

Q: Is there a way to tier to the Wilderness Management Plan in such a way that when the Wilderness Plan is updated, an amendment to the land management plan is not necessary?

A: Your wilderness management plan should tier to the land management plan. The wilderness management plan must be consistent with the land management plan. It is recommended that plan components (desired conditions, objectives, suitability of lands, standards, guidelines, and goals) be in the land management plan only to avoid inconsistencies. If the revisions to the wilderness management plan create an inconsistency with the land management plan, then the wilderness management plan must be revised for consistency with the land management plan, or you will need to amend the land management plan. FSH 1909.12, Chap. 20, Sec. 24.41.